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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,673	02/13/2002	Carol Caroselli	3818-011197	6087

7590

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EXAMINER

SMITH, JAMES G

ART UNIT

PAPER NUMBER

3765

DATE MAILED: 07/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/074,673

Applicant(s)

CAROSELLI ET AL.

Examiner

James G Smith

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7, and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Montero (2,473,086). Montero discloses a holder having a base with a first and second surface. The hanger has a first and second portion with the first portion being connected to the base and the second portion forming a loop for supporting a clothing article. With respect to Claim 2, the hanger is pivotally attached to the base portion. With respect to Claim 3, the pivot is connected to an outer edge of the base. With respect to Claim 4, there is a gripping pad portion attached to the base portion. With respect to Claim 5, the base portion is circular shaped. With respect to Claim 7, the loop is C-shaped. With respect to Claim 9, a glove or a scarf would be easily suspended from the hanger. With respect to Claim 10, the base is made of metal. With respect to Claim 11, the hanger device is used by placing the base on a leading edge of a planar surface, allowing the hanger portion to be suspended below the base portion, and inserting the clothing article in the into the loop. With respect to Claim 12, to hang a purse by its strap one would first engage the stem portion of the hanger with the purse strap and allow the strap to suspend therefrom.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montero (2,473,086) in view of Kacines (D447,936). With respect to Claims 6 and 13, the hanger portion of Montero is not a substantially closed O-shaped loop, but the hanger of Kacines teaches a substantially closed O-shaped loop for securing articles to the edge of a planar surface. With respect to Claim 14, the hanger of Kacines has a stem portion before the substantially O-shaped loop. With respect to Claim 15, an angle is defined along the stem between the first portion of the Kacines hanger and the substantially close O-shaped loop portion. With respect to Claim 16, Montero teaches the hanger portion being pivotally connected to the base portion. With respect to Claim 17, Montero discloses a gripping pad being present on the base portion. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified hanger device of Montero with the hanger of Kacines to have a substantially closed O-shaped loop portion for more securely suspending articles from planar surfaces.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Montero (2,473,086) in view of Schwartz (D429,899). Montero fails to disclose a ball being positioned at the free end of the C-shaped loop. Schwartz discloses a ball being at the end portion of the

Art Unit: 3765

hanger portion. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the hanger portion of the Montero hanger device to place a ball at the end portion as taught by Schwartz to make a safer hanger device.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James G Smith whose telephone number is 703-605-4225. The examiner can normally be reached on 8:00-5:00, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on 703-305-1025. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3590 for regular communications and 703-308-0758 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

JGS  
June 30, 2003

  
JOHN J. CALVERT  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700